

Message Text

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14

ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-10 NSAE-00 PA-04

RSC-01 PRS-01 SPC-03 SS-20 NSC-10 L-03 PM-07 OMB-01

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R 180255Z JAN 74

FM AMEMBASSY SEOUL

TO USIA WASHDC

INFO SECSTATE WASHDC 2089

AMEMBASSY TOKYO

AMCONSUL HONG KONG

C O N F I D E N T I A L SEOUL 407

USIAC FOR VOA

EO 11652: GDS 12-31-80

REF A USIA 0843 B SEOUL 0231

1. EMERGENCY MEASURES ONE AND TWO UNDER ARTICLE 53 OF CONSTITUTION, AS PROMULGATED JANUARY 8, ARE CLEAR AND SWEEPING. KEY PORTIONS READ:

"IT SHALL BE PROHIBITED FOR ANY PERSON TO DENY, OPPOSE, MISREPRESENT OR DEFAME CONSTITUTION REPUBLIC OF KOREA."

" IT SHALL BE PROHIBITED FOR ANY PERSON TO FABRICATE OR DISSEMINATE FALSE RUMORS."

"IT SHALL BE PROHIBITED FOR ANY PERSON TO ADVOCATE, INSTIGATE OR PROPAGATE ANY ACT OR ACTS WHICH ARE PROHIBITED IN ARTICLE 1 THROUGH 3 OF PRESENT EMERGENCY MEASURES; OR COMMUNICATE SUCH ACT OR ACTS TO OTHERS THROUGH BROADCASTING, REPORTING OR PUBLISHING, OR BY ANY OTHER MEANS."

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2. WHAT CONSTITUTES "FALSE RUMORS" IS DECISION THAT

WILL PRESUMABLY BE MADE BY EMERGENCY COURTS-
MARTIAL WHICH NOW AUTHORIZED TO ARREST WITHOUT
WARRANT AND IMPOSE PRISON SENTENCES UP TO 15 YEARS.

3. MAKING "DISSEMINATION" IN ITSELF A CRIME ALLOWS
FOR PROSECUTION OF ALMOST ANYONE INVOLVED IN A
STORY DEMMED OFFENSIVE. VISITING AMERICAN CORRES-
PONDENTS PAST WEEK HAVE RETURNED TO TOKYO, FILING
FROM THERE WITH SEOUL DATELINE, TO AVOID JEOPARDIZING
LOCAL BUREAU STAFF MEN AND TELETYPE OPERATORS.

4. AS REF "B" POINTED OUT, WAS MADE CLEAR NEW
MEASURES APPLY TO FOREIGN AS WELL AS KOREAN NEWS-
MEN. MOST DIRECTLY AFFECTED IS LARGE RESIDENT
JAPANESE PRESS CORPS. THEY STRICTLY ABIDING BY NEW
LAW, FILING NOTHING CRITICAL. SEOUL BUREAUS AP,
UPI AND REUTERS LIKEWISE. NONE HAVE YET VENTURED
TEST CASE.

5. WITHOUT GOING SO FAR AS ARREST AND TRIAL, OBVIOUS
WEAPONS ROKG ABLE TO USE AGAINST FOREIGN NEWSMEN
ARE WITHHOLDING VISAS, APPLYING PRESSURE ON LOCAL
KOREAN STAFFS AND INTIMIDATING THEIR SOURCES.

6. IN GENERAL, ROKG REGARDS ROK CITIZENS AS
SUBJECT TO ROK LAWS EVEN WHILE RESIDING OR
TRAVELING ABROAD. BESIDES VARIOUS SPY CASES,
THERE WAS PRIME MINISTER'S STATEMENT IN NATIONAL
ASSEMBLY THAT LEGAL ACTION COULD BE TAKEN AGAINST
KIM TAE-CHUNG IF HIS ACTIONS IN JAPAN VIOLATED
ROK SECURITY LAWS. GIVEN PAST PRECEDENT, ROK
CITIZEN WHO VIOLATES EMERGENCY MEASURES WHILE IN
US MIGHT WELL BE CONSIDERED LIABLE. WHILE IT
UNLIKELY ROKG WOULD SINGLE OUT VOA EMPLOYEE IN
WASHINGTON FOR NORMAL NEWS REPORTING ACTIVITY,
CANNOT FLATLY RULE OUT POSSIBILITY OF REPRISAL
AGAINST STAFFER ON RETURN KOREA IF ROKG ADJUDGES
HIM CULPABLE OF POLITICALLY SIGNIFICANT ACTION.

7. ALL FOREIGN MEDIA HERE REACTING CAUTIOUSLY TO
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NEW SITUATION. ACTING PAO IN CLOSE TOUCH. WILL
ADVISE FURTHER DEVELOPMENTS.
KAYS

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